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APPEAL,PARTCONS,TERMINATED

**U.S. District Court
District of Oregon (Eugene)
CIVIL DOCKET FOR CASE #: 6:10-cv-06026-HO**

Caruso v. U.S. Bureau of Alcohol, Tobacco, and Firearms
Assigned to: U.S. District Judge Michael R. Hogan
Cause: 05:552 Freedom of Information Act

Date Filed: 02/02/2010
Date Terminated: 04/21/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Louis Caruso

represented by **Marianne G. Dugan**
Attorney at Law
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Eugene, OR 97401
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Orahoske
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TERMINATED: 03/18/2011
ATTORNEY TO BE NOTICED

Defendant**U.S. Bureau of Alcohol, Tobacco, and
Firearms**

represented by **Kevin C. Danielson**
US Attorney's Office
1000 S.W. Third Avenue
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Portland, OR 97204
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/02/2010	<u>1</u>	Complaint. Filing Fee in amount of \$350 collected. Receipt No. 600005156 issued; Summons issued as to defendant. Filed by Louis Caruso against U.S. Bureau of Alcohol, Tobacco, and Firearms. (Attachments: # <u>1</u> Civil Cover Sheet) (sln) (Entered: 02/05/2010)
02/02/2010	<u>2</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to U.S. District Judge Michael R. Hogan. Discovery is to be completed by 6/2/2010. Joint Status Report is due by 6/2/2010. Joint Alternate Dispute Resolution Report is due by 7/2/2010. Pretrial Order is due by 7/2/2010. Ordered by U.S. District Judge Michael R. Hogan. (sln) (Entered: 02/05/2010)
05/09/2010	<u>3</u>	Return of Service Executed. as to U.S. Bureau of Alcohol, Tobacco, and Firearms served on 5/9/2010, answer due on 7/8/2010 Service specifically made upon Local USA, USAG, and the agency Filed by Louis Caruso. (Dugan, Marianne) (Entered: 05/09/2010)
05/16/2010	<u>4</u>	Return of Service Executed. Service specifically made upon Local USA, USAG, and the agency <i>CORRECTED COPY</i> Filed by all plaintiffs. (Dugan, Marianne) (Entered: 05/16/2010)
05/28/2010	<u>5</u>	Unopposed Motion for Extension of Discovery & PTO Deadlines. Filed by all plaintiffs. (Dugan, Marianne) (Entered: 05/28/2010)
06/01/2010	6	ORDER: Granting Motion for Extension of Discovery & PTO Deadlines <u>5</u> . Discovery is to be completed by 9/30/2010. Joint Status Report is due by 9/30/2010. Joint Alternate Dispute Resolution Report is due by 10/29/2010. Pretrial Order is due by 10/29/2010. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 06/01/2010)

06/07/2010	7	Unopposed Motion for Extension of Time to Answer. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 06/07/2010)
06/08/2010	8	ORDER: Granting Motion for Extension of Time to Answer 7 . Answer is due by 6/23/2010. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 06/08/2010)
06/23/2010	9	Answer to 1 Complaint. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 06/23/2010)
09/30/2010	10	Joint Motion for Extension of Discovery & PTO Deadlines , <i>Setting Briefing Schedule, and Waiving ADR & PTO Filings</i> . Filed by All Parties. (Dugan, Marianne) (Entered: 09/30/2010)
10/07/2010	11	ORDER: Granting Motion for Extension of Discovery & PTO Deadlines 10 . Plaintiff's Motion for Summary Judgment is due by 10/15/2010. Defendant's combined Motion for Summary Judgment and Response to Summary Judgment is due by 11/15/2010. Plaintiff's combined Reply in Support of Summary Judgment and Response to Summary Judgment is due by 12/15/2010. Defendant's Reply in Support of Summary Judgment is due by 1/14/2011. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 10/07/2010)
10/14/2010	12	Unopposed Motion for Extension of Time. Filed by All Plaintiffs. (Dugan, Marianne) (Entered: 10/14/2010)
10/15/2010	13	ORDER: Granting Motion for Extension of Time 12 . Plaintiff's motion for summary judgment is due by 10/22/2010. Defendant's combined motion for summary judgment and response to summary judgment is due by 11/22/2010. Plaintiff's combined reply in support of summary judgment and response to summary judgment is due by 12/22/2010. Defendant's reply in support of summary judgment is due by 1/21/2011. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 10/15/2010)
10/22/2010	14	Motion for Summary Judgment. Oral Argument requested. Filed by Louis Caruso. (Dugan, Marianne) (Entered: 10/22/2010)
10/22/2010	15	Concise Statement of Material Fact. Filed by Louis Caruso. (Related document(s): Motion for Summary Judgment 14 .) (Dugan, Marianne) (Entered: 10/22/2010)
10/22/2010	16	Brief. Filed by Louis Caruso. (Related document(s): Motion for Summary Judgment 14 .) (Dugan, Marianne) (Entered: 10/22/2010)

10/22/2010	17	Declaration of <i>Dugan</i> . Filed by Louis Caruso. (Related document(s): Motion for Summary Judgment 14 .) (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G) (Dugan, Marianne) (Entered: 10/22/2010)
10/25/2010	18	STRICKEN Amended Supplement - <i>CORRECTED EXHIBIT G</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment 14 .) (Dugan, Marianne) Modified on 10/27/2010 (ljb). (Entered: 10/25/2010)
10/26/2010	19	STRICKEN Amended Supplement - <i>CORRECTED EXHIBIT G WITH CAPTION</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment 14 .) (Dugan, Marianne) Modified on 10/27/2010 (ljb). (Entered: 10/26/2010)
10/26/2010	20	Amended Supplement - <i>CORRECTED EXHIBIT G WITH CAPTION - PRIOR FILING OMITTED EXHIBIT</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment 14 .) (Dugan, Marianne) (Entered: 10/26/2010)
10/27/2010	21	Order for Administrative Correction of the Record regarding Supplement 19 filed by Louis Caruso, Supplement 18 filed by Louis Caruso. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. The Clerk is directed to STRIKE documents 18 and 19 . (ljb) (Entered: 10/27/2010)
11/01/2010	22	Scheduling Order by U.S. District Judge Michael R. Hogan regarding Motion for Summary Judgment 14 . Oral Argument is set for 2/1/2011 at 10:45AM in Eugene Courtroom 1 before U.S. District Judge Michael R. Hogan. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 11/01/2010)
11/19/2010	23	Unopposed Motion for Extension of Time <i>Defendant's Unopposed Motion for Extension of Time</i> . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 11/19/2010)
11/19/2010	24	ORDER: Granting Motion for Extension of Time 23 . Response to Motion for Summary Judgment 14 and Defendant's Motion for Summary Judgment is due by 11/24/2010. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 11/19/2010)
11/24/2010	25	Unopposed Motion for Extension of Time. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 11/24/2010)
11/26/2010	26	Response to Concise Statement of Material Facts regarding Motion for Summary Judgment 14 <i>Defendant's Response to Plaintiff's Concise Statement of Material Facts</i> . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 11/26/2010)

11/26/2010	27	Motion for Summary Judgment. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 11/26/2010)
11/26/2010	28	Declaration of Averill P. Graham. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Related document(s): Motion for Summary Judgment 27 .) (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (Danielson, Kevin) (Entered: 11/26/2010)
11/26/2010	29	Notice of Appearance of Andrew Orahoske appearing on behalf of Louis Caruso Filed by on behalf of Louis Caruso (Orahoske, Andrew) (Entered: 11/26/2010)
11/26/2010	30	Concise Statement of Material Fact. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Related document(s): Motion for Summary Judgment 27 .) (Danielson, Kevin) (Entered: 11/26/2010)
11/26/2010	31	Memorandum in Support <i>Defendant's Combined Memorandum of Law in Support of Summary Judgment and Response to Plaintiff's Motion for Summary Judgment</i> . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Related document(s): Motion for Summary Judgment 27 .) (Danielson, Kevin) (Entered: 11/26/2010)
11/29/2010	32	ORDER: Finding as Moot Motion for Extension of Time 25 . Defendant's filings on 11/26/2010 are deemed as timely. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 11/29/2010)
12/06/2010	33	Scheduling Order by U.S. District Judge Michael R. Hogan regarding Motion for Summary Judgment 27 . Oral Argument is set for 2/1/2011 at 10:45AM in Eugene Courtroom 1 before U.S. District Judge Michael R. Hogan. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 12/06/2010)
12/22/2010	34	Response in Opposition to Motion for Summary Judgment 14 , Motion for Summary Judgment 27 Oral Argument requested, Reply to Motion for Summary Judgment 27 , Motion for Summary Judgment 14 Oral Argument requested. Filed by All Plaintiffs. (Dugan, Marianne) (Entered: 12/22/2010)
12/22/2010	35	Concise Statement of Material Fact <i>RESPONSE TO</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment 27 .) (Dugan, Marianne) (Entered: 12/22/2010)
12/23/2010	36	Amended Response in Opposition [<i>INTRO PARAGRAPH is the only thing changed</i>] to Motion for Summary Judgment 14 , Motion for Summary Judgment 27 , Reply to Motion for Summary Judgment 27 , Motion for Summary Judgment 14 . Filed by All Plaintiffs. (Dugan, Marianne) (Entered: 12/23/2010)

12/28/2010	37	Scheduling Order by U.S. District Judge Michael R. Hogan regarding Motion for Summary Judgment 14 and Motion for Summary Judgment 27 . Oral Argument is reset from 2/1/2011 to 2/8/2011 at 10:45AM in Eugene Courtroom 1 before U.S. District Judge Michael R. Hogan. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 12/28/2010)
01/21/2011	38	Reply <i>Defendant's Reply in Support</i> to Motion for Summary Judgment 27 . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 01/21/2011)
02/04/2011	39	Declaration of Dugan. Filed by Louis Caruso. (Related document(s): Motion for Summary Judgment 14 .) (Attachments: # 1 Exhibit Ex. H, # 2 Exhibit Ex. I, # 3 Exhibit Ex. J) (Dugan, Marianne) (Entered: 02/04/2011)
02/08/2011	40	MINUTES of Proceedings: Motion Hearing Held regarding Motion for Summary Judgment 14 and Motion for Summary Judgment 27 . Ordered motions are taken under advisement. Marianne Dugan present as counsel for plaintiff. Kevin Danielson present as counsel for defendant. Court Reporter: Deb Wilhelm. U.S. District Judge Michael R. Hogan presiding. (Related documents: Motion for Summary Judgment 14 and Motion for Summary Judgment 27 .) (jw) (Entered: 02/08/2011)
02/16/2011	41	ORDER: Granting Plaintiff's Motion for Summary Judgment 14 ; Denying Defendant's Motion for Summary Judgment 27 . Signed on 2/16/2011 by U.S. District Judge Michael R. Hogan. (jw) (Entered: 02/17/2011)
02/20/2011	42	Proposed Form of Order Submitted <i>PROPOSED JUDGMENT</i> . Filed by All Plaintiffs. (Dugan, Marianne) (Entered: 02/20/2011)
02/24/2011	43	Response <i>Defendant's Objection to Plaintiff's Proposed Judgment</i> . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 02/24/2011)
03/04/2011	44	Proposed Form of Order Submitted [<i>Judgment - corrected to show current Clerk of the Court</i>]. Filed by Louis Caruso. (Dugan, Marianne) (Entered: 03/04/2011)
03/07/2011	45	Proposed Form of Order Submitted <i>Judgment - CLERK'S NAME CORRECTED AGAIN</i> . Filed by Louis Caruso. (Dugan, Marianne) (Entered: 03/07/2011)
03/12/2011	46	Unopposed Motion for Extension of Time to <i>Reply in Support of Proposed Judgment</i> . Filed by Louis Caruso. (Dugan, Marianne) (Entered: 03/12/2011)
03/14/2011	47	ORDER: Granting Motion for Extension of Time 46 . Reply to Plaintiff's Proposed Judgment is due by 3/24/2011. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 03/14/2011)

03/15/2011	48	<i>Defendant's Motion for Reconsideration</i> of Order on motion for summary judgment, 41 . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) Modified docket text entry for clarity of the record on 3/16/2011 (ljb). (Entered: 03/15/2011)
03/15/2011	49	Memorandum in Support <i>Defendant's Memorandum in Support of Motion for Reconsideration</i> . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Related document(s): Motion for Reconsideration 48 .) (Danielson, Kevin) (Entered: 03/15/2011)
03/18/2011	50	Notice of Attorney Withdrawal: Filed by Louis Caruso (Orahoske, Andrew) (Entered: 03/18/2011)
03/24/2011	51	Memorandum in Support & <i>Resp. to Objection</i> . Filed by All Plaintiffs. (Related document(s): Proposed Form of Order or Judgment 45 .) (Dugan, Marianne) (Entered: 03/24/2011)
04/01/2011	52	Response to Motion for Reconsideration <i>Defendant's Motion for Reconsideration</i> of Order on motion for summary judgment, 41 48 . Filed by Louis Caruso. (Dugan, Marianne) (Entered: 04/01/2011)
04/06/2011	53	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held on 2/8/2011 before Judge Michael R. Hogan, Court Reporter Deborah Wilhelm, telephone number (541) 431-4113. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through PACER- See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 4/18/2011. Redaction Request due 5/2/2011. Redacted Transcript Deadline set for 5/12/2011. Release of Transcript Restriction set for 7/8/2011. (Wilhelm, Deb) (Entered: 04/06/2011)
04/08/2011	54	Reply to <i>Plaintiff's Objections</i> to Motion for Reconsideration <i>Defendant's Motion for Reconsideration</i> of Order on motion for summary judgment, 41 48 . Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 04/08/2011)
04/21/2011	55	ORDER: Granting Motion for Reconsideration 48 . Upon reconsideration, the previous order is affirmed. Signed on 4/21/2011 by U.S. District Judge Michael R. Hogan. (jw) (Entered: 04/21/2011)
04/21/2011	56	Judgment. Signed on 4/21/2011 by U.S. District Judge Michael R. Hogan. (jw) (Entered: 04/21/2011)
05/05/2011	57	Unopposed Motion for Extension of Time to <i>File Fee Petition</i> . Filed by Louis Caruso. (Dugan, Marianne) (Entered: 05/05/2011)

05/09/2011	58	ORDER: Granting Motion for Extension of Time 57 . Fee Petition is due by 5/19/2011. Ordered by U.S. District Judge Michael R. Hogan. (jw) (Entered: 05/09/2011)
05/19/2011	59	Motion for Attorney Fees. Filed by Louis Caruso. (Dugan, Marianne) Removed text requesting oral argument on 5/20/2011 (jw). (Entered: 05/19/2011)
05/19/2011	60	Brief. Filed by Louis Caruso. (Related document(s): Motion for Attorney Fees 59 .) (Dugan, Marianne) (Entered: 05/19/2011)
05/20/2011	61	Declaration of Dugan. Filed by Louis Caruso. (Related document(s): Motion for Attorney Fees 59 .) (Attachments: # 1 Exhibit Ex 1, # 2 Exhibit Ex 2, # 3 Exhibit Ex 3) (Dugan, Marianne) (Entered: 05/20/2011)
05/20/2011	62	Declaration of Orahoske. Filed by Louis Caruso. (Related document(s): Motion for Attorney Fees 59 .) (Dugan, Marianne) (Entered: 05/20/2011)
05/20/2011	63	Bill of Costs. Filed by Louis Caruso. (Dugan, Marianne) (Entered: 05/20/2011)
05/27/2011	64	Motion for Stay of Order and Judgment Requiring Disclosure of Records. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 05/27/2011)
05/27/2011	65	Defendant's Memorandum in Support of Motion for Stay of the Order and Judgment Requiring Disclosure of Records. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Related document(s): Motion for Stay 64 .) (Danielson, Kevin) (Entered: 05/27/2011)
06/02/2011	66	Motion for Stay Regarding Attorney Fees and Costs. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 06/02/2011)
06/02/2011	67	Memorandum in Support of Motion for Stay Regarding Attorney Fees and Costs. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Related document(s): Motion for Stay 66 .) (Danielson, Kevin) (Entered: 06/02/2011)
06/10/2011	68	Notice of Appeal to the 9th Circuit. Filed by U.S. Bureau of Alcohol, Tobacco, and Firearms. (Danielson, Kevin) (Entered: 06/10/2011)
06/10/2011	69	Certified Copy of Time Schedule Order, docketing letter and numerous forms from USCA for the 9th Circuit re Notice of Appeal 68 . CA Appeal #11-35496. (ljb) (Entered: 06/13/2011)

07/15/2011	70	ORDER: Granting Motion for Stay 64 and Motion for Stay 66 . Motion for Attorney Fees 59 and Motion for Costs 63 are denied without prejudice to be reinstated, if necessary, at the conclusion of the appeal in this case. Signed on 7/14/2011 by U.S. District Judge Michael R. Hogan. (jw) (Entered: 07/15/2011)
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Billable Pages:	5	Cost:	0.40